

House  
REPUBLICAN  
Conference

# FloorPrep

Legislative Digest

Tuesday, October 7, 1997

John Boehner  
Chairman  
8th District, Ohio

*House Meets at 9:00 a.m. for Morning Hour  
and 10:00 a.m. for Legislative Business*

*Anticipated Floor Action:*

**H.R. 1411—Prescription Drug User Fee Reauthorization and Drug Regulatory  
Modernization Act**

**H.R. 1127—National Monument Fairness Act**

**Motion to Instruct Conferees on H.R. 2159 (FY 1998 Foreign Operations  
Appropriations Act)**

**H.R. 629—Texas, Vermont, and Maine Low-Level Waste Compact Consent Act**

**H.R. 901—American Land Sovereignty Protection Act**

**H.R. 2165—Extending the Federal Power Act Deadline for a Hydroelectric  
Project in Iowa (Vote Only)**

**H.R. 2207—Coastal Pollution Reduction Act (Vote Only)**

**H.R. 548—Designating the Ted Weiss U.S. Courthouse (Vote Only)**

**H.R. 595—Designating the William Augustus Bootle Federal Building and U.S.  
Courthouse (Vote Only)**

**S. 819—Designating the Martin V. B. Bostetter, Jr. U.S. Courthouse (Vote Only)**

**S. 833—Designating the Howard M. Metzenbaum U.S. Courthouse (Vote Only)**

**H.R. 2036—Aviation Insurance Reauthorization Act (Vote Only)**



**H.R. 1411—Prescription Drug User Fee Reauthorization and Drug Regulatory  
Modernization Act**

**Floor Situation:** The House will consider H.R. 1411 today under suspension of the rules as its first order of business today. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage. Commerce Committee Chairman Bliley is expected to submit a manager's amendment to H.R. 1411 which combines the original text of H.R. 1411 with H.R. 1710 and H.R. 2469.

**Summary:** H.R. 1411, as amended by the manager's amendment, contains several reforms to accelerate the Federal Food and Drug Administration (FDA) process for approving new pharmaceuticals and medical devices and modify the requirements for food testing and product labeling. Specifically, the bill (1) reauthorizes prescription drug user fees, (2) expedites the approval process for certain drugs, (3) stipulates that the FDA is required to test only the *intended* use of low-risk medical devices, (4) requires the HHS Secretary to accredit an independent agency to conduct the initial review of low-risk devices, (5) clarifies that devices which are submitted for pre-market approval can be declared "effective" through a well-controlled clinical investigation, (6) expedites the approval of packaging and surfaces that come into contact with food, (7) removes several regulations regarding the sale of margarine, and (8) requires the FDA to establish an information system so applicants may track the status of application.

H.R. 1411 was introduced by Mr. Burr and ordered reported by the Commerce Committee by a vote of 43-0. CBO estimates that enactment will result in additional discretionary spending of \$9 million in FY 1998 and \$214 million over the next five years, assuming appropriation of the authorized amounts.

H.R. 1710 was introduced by Mr. Barton and ordered reported by the Commerce Committee by voice vote. CBO estimates that enactment will result additional discretionary spending of \$13 million in FY 1998 and \$70 million over the next five years, assuming appropriation of the authorized amounts.

H.R. 2469 was introduced by Mr. Whitfield and ordered reported by the Commerce Committee by a vote of 43-0. CBO was unable to estimate the exact financial impact on the federal government, but predicted that enactment would result in some additional costs.

**Additional Information:** See *Legislative Digest*, Vol. XXVI, #28, Pt. II, October 6, 1997.



## **H.R. 1127—National Monument Fairness Act**

**Floor Situation:** The House is scheduled to continue consideration of H.R. 1127 after it completes consideration of H.R. 1411. Yesterday, the House completed general debate and consideration of all amendments. On October 1, 1997, the Rules Committee granted a modified-closed rule that provides one hour of general debate, equally divided between the chairman and ranking minority member of the Resources Committee. The rule makes in order a committee amendment in the nature of a substitute as base text. In addition, the rule makes in order six amendments, debatable in the order listed and for the amount of time specified below. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, provided that it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

**Summary:** H.R. 1127 amends the 1906 Antiquities Act to limit the president's authority to designate certain areas as national monuments. The bill requires the president to obtain the approval of Congress for proposed monuments larger than 50,000 acres in a single state during a single calendar

year. The president retains the right to designate federal lands as national monuments, but proclamations involving more than 50,000 acres in a single state in a single calendar year will not become effective until Congress enacts specific legislation to approve the proposed designation. Before submitting the proposal to Congress, the president must obtain written comments from the governor of the affected state. CBO estimates that enactment will have no significant effect on the federal budget. The bill was introduced by Mr. Hansen and was reported by the Resources Committee by voice vote.

**Views:** The Republican leadership supports passage of the measure. The Clinton Administration opposes the bill and has pledged to veto it.

**Amendments:** Yesterday, the House completed debate, but did not vote on, the following amendments:

- \* an amendment by **Mr. Vento** to eliminate the provision that requires the president to obtain the approval of Congress for proposed monuments. In its place, the amendment establishes a one year delay from the time the president announces a designation under the Antiquities Act to when the designation takes effect. In addition, during the one-year period of review, federal lands within the designated area must be withdrawn from development, including oil and mineral development. *Staff Contact: Terry Klein, x5-6631*
- \* an amendment in the nature of a substitute by **Mr. Hansen** to give Congress the right to review any monument designation of more than 50,000 acres for two years. In those two years, Congress must pass a resolution approving the designation in order for the monument designation to become effective permanently. If Congress does not pass a resolution of approval, the designation will be terminated. The substitute requires the president to consult the governor of the affected state at least 30 days prior to the monument proclamation. The congressional review period will not begin until the period for consultation with the governor has elapsed. *Staff Contact: Allen Freemyer, x6-7736*

**Additional Information:** See *Legislative Digest*, Vol. XXVI, #27, September 26, 1997



## **Motion to Instruct Conferees on H.R. 2159 (FY 1998 Foreign Operations Appropriations Act)**

**Floor Situation:** The House may consider a motion by Mr. Largent to instruct House conferees on H.R. 2159 after it completes consideration of H.R. 1127. Such motion is privileged after a bill has been in conference for 20 days and must be considered within two legislative days of being filed. The motion is debatable for one hour. The House appointed conferees on H.R. 2159 on September 16.

**Summary:** The motion instructs House conferees to maintain so-called “Mexico City” policy restrictions on foreign aid--included in the House version--which prohibit U.S. population assistance to foreign organizations that perform abortions in foreign countries, violate the abortion laws of foreign countries, or lobby for changes in such laws. The prohibition allows exceptions in cases of rape, incest, or when the life of the mother is endangered. *Staff Contact: Aimee Sherman, x5-2211*



## **H.R. 629—Texas, Vermont, and Maine Low-Level Waste Compact Consent Act**

**Floor Situation:** The House will consider H.R. 629 after it completes consideration of Mr. Largent’s motion to instruct conferees. Yesterday, the Rules Committee granted an open rule providing one hour of general debate, equally divided between the chairman and ranking minority member of the Commerce Committee. It allows the chairman of the committee of the whole to postpone recorded votes and reduce the voting time on a postponed vote to five minutes, provided that it follows a regular 15-minute vote. The rules grants priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. Finally, the rule provides for one motion to recommit, with or without instructions.

**Summary:** H.R. 629 gives congressional approval to a compact between Texas, Maine, and Vermont which establishes a shared storage facility in western Texas for low-level radioactive waste. The bill gives Congress the right to amend or repeal its consent after 10 years. CBO estimates that enactment will result in no significant cost to the federal government. The bill was introduced by Mr. Barton et al. and was ordered reported by voice vote by the Commerce Committee.

**Views:** The Republican Leadership supports passage of the bill. A Clinton Administration viewpoint was unavailable at press time.

**Amendments:** At press time, the *Legislative Digest* was not aware of any amendments to H.R. 629.

**Additional Information:** See *Legislative Digest*, Vol. XXVI, #28, October 3, 1997.



## **H.R. 901—American Land Sovereignty Protection Act**

**Floor Situation:** The House is scheduled to consider H.R. 901 after it completes consideration of H.R. 629. Currently, the Rules Committee has granted two rules on the bill, and it was uncertain at press time which rule will govern the bill’s consideration. On Wednesday, September 24, the Rules Committee granted an open rule providing one hour of general debate, equally divided between the chairman and ranking minority member of the Resources Committee. The rule makes in order a committee amendment in the nature of a substitute as base text and grants priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. Finally, the rule provides one motion to recommit, with or without instructions. On Wednesday, October 1, the

Rules Committee granted a modified-closed rule that provides one hour of general debate, equally divided between the chairman and ranking minority member of the Resources Committee. The rule makes in order a committee amendment in the nature of a substitute as base text. In addition, the rule also makes in order an amendment offered by Mr. Miller (CA) or a designee, debatable for one hour equally divided between a proponent and an opponent. Finally, the rule provides one motion to recommit, with or without instructions.

**Summary:** H.R. 901 amends the National Historic Preservation Act (*P.L. 96-515*) to (1) require the legislative consent of Congress before nominating a property located in the United States for inclusion on the World Heritage List; (2) prohibit any federal official from nominating U.S. property for designation as a Biosphere Reserve and terminating existing Biosphere Reserves unless certain conditions are met; and (3) prohibit any federal official from nominating or designating any federal land for a special or restricted use under any international agreement unless specifically authorized by law. CBO estimates that enactment will have no significant impact on the federal budget. The bill was introduced by Mr. Young; the Resources Committee reported the bill by a vote of 26-9 on June 25, 1997.

**Views:** The Republican leadership supports passage of the measure. The Clinton Administration opposes the bill and has pledged to veto it.

**Amendments:** The Rules Committee has granted two rules for this bill. At press time, it was unclear which rule will govern the bill's consideration. The following amendments were filed when floor consideration was expected under an open rule. If, however, the bill is brought to the floor under a modified-closed rule, committee staff have indicated that Mr. Miller (CA) will offer a substitute amendment that could encompass one or more of the amendments listed below.

**Mr. Abercrombie** may offer an amendment (#1) to exempt the Hawaiian Islands Biosphere Reserve from termination upon enactment of the bill. *Staff Contact: Alan Yamamoto, x5-2726*

**Mr. Brown (CA)** may offer an amendment (#2) to change the conditions under which existing Biosphere Reserves may be preserved and not terminated. Currently, the bill terminates existing Biosphere Reserves unless (1) the reserve is specifically authorized in a subsequently enacted law by December 31, 2000; (2) the designated reserve consists entirely of lands owned by the United States; and (3) a management plan for the reserve has been implemented which specifically provides for the protection of non-federal property rights and uses. In its place, the amendment establishes new conditions under which Biosphere Reserves may be preserved. Specifically, the amendment terminates existing Biosphere Reserves unless the Secretary of State determines that the proposed reserve:

- \* includes imperiled natural habitat areas that are expected to remain so because of protection or management under federal, state, or local law or regulation in effect before designation;
- \* is suitable to serve as a model of outstanding stewardship, fostering a harmonious relationship between human activities and the conservation of natural resources; and
- \* has been nominated for designation either by written authorization (from the land-owner for private property) or by the governmental authority administering the site (for property owned by governments), after local public comment has been obtained and considered.

The Secretary of State must make these determinations for each Biosphere Reserve or proposed designation within 90 days of enactment. In addition, the Secretary of State must take appropriate action to publicize nationally the nomination of lands as a Biosphere Reserve. The amendment also specifically states that the designation of lands as a Biosphere Reserve does not impose any restrictions on private property rights and that recognition as a Biosphere Reserve will in no way affect U.S. sovereignty. **Staff Contact: Bill Smith, x5-6375**

**Ms. Christian-Green** may offer an amendment (#3) to exempt the Virgin Islands Biosphere Reserve from termination upon enactment of the bill. **Staff Contact: Brian Modeste, x5-1790**

**Mr. Defazio** may offer an amendment (#4) to exempt two Biosphere Reserves (BR) in Oregon from termination upon enactment of the bill. They include the Three Sisters BR and the H.J. Andrews BR. **Staff Contact: Jeff Stier, x5-6416**

**Mr. Farr** may offer a series of amendments (#5-#9) to exempt the following Biosphere Reserves (BR) in California from termination upon enactment of the bill. They include the:

- \* California Coast Ranges BR;
- \* Central California Coast BR;
- \* Sequoia-Kings Canyon BR;
- \* Channel Islands BR;
- \* Mojave and Colorado Deserts BR; and
- \* Golden Gate BR. **Staff Contact: Jennifer Newton, x5-2861**

**Mr. Farr** may offer an amendment (#11) to eliminate the exemptions to a current provision of the bill. The bill currently prohibits any federal official from nominating or designating any federal land for a special or restricted use under any international agreement unless specifically authorized by law with two exemptions. The bill exempts the North American Wetlands Conservation Act and the Fish and Wildlife Improvement Act from that provision of the bill. The amendment eliminates both exemptions. **Staff Contact: Jennifer Newton, x5-2861**

**Mr. Hinchey** may offer a series of amendments (#12-#15) to exempt the following Biosphere Reserves (BR) from termination upon enactment of the bill. They include the:

- \* Champlain-Adirondack BR;
- \* Mammoth Cave, Kentucky BR;
- \* Rocky Mountain, Colorado BR; and
- \* South Atlantic Coastal Plain, South Carolina BR. **Staff Contact: Chris Arthur, x5-6335**

**Mr. Kildee** may offer two amendments (#16-#17) to exempt the following Biosphere Reserves (BR) in Michigan from termination upon enactment of the bill. They include the Isle Royale BR and the University of Michigan Biological Station BR. **Staff Contact: Michelle Arnold, x5-3611**

**Mr. Miller (CA)** may offer a series of amendments (#28-#50) to exempt the following Biosphere Reserves (BR) from termination upon enactment of the bill. They include the:

- \* Beaver Creek, Arizona BR;
- \* Big Thicket, Texas BR;
- \* Carolinian-South Atlantic BR;
- \* Cascade Head, Oregon BR;
- \* Central Gulf Coastal Plain BR;
- \* Central Plains Experimental Range, Colorado BR;
- \* Coram Experimental Forest, Montana BR;
- \* Desert Experimental Range, Utah BR;
- \* Fraser Experimental Forest, Colorado BR;
- \* Guanica Commonwealth Forest, Puerto, Rico BR;
- \* Hubbard Brook, New Hampshire BR;
- \* Jornada Experimental Range, New Mexico BR;
- \* Konza Prairie, Kansas BR;
- \* Land Between the Lakes BR;
- \* Luquillo Experimental Forest, Puerto Rico BR;
- \* Niwot Ridge, Colorado BR;
- \* Olympic, Washington BR;
- \* Organ Pipe Cactus, Arizona BR;
- \* San Dimas, California BR;
- \* San Joaquin, California BR;
- \* Southern Appalachian BR;
- \* Stanislaus-Tuolumne, California BR; and
- \* Virginia Coast, Virginia BR. *Staff Contact: Chris Mann, x6-2311*

**Mr. Pallone** may offer an amendment (#18) to exempt the New Jersey Pinelands Biosphere Reserve from termination upon enactment of the bill. *Staff Contact: Gabrielle Tenzer, x5-4671*

**Mr. Vento** may offer a series of amendments (#19-#26) to exempt the following Biosphere Reserves (BR) from termination upon enactment of the bill. They include the:

- \* Aleutian Islands BR;
- \* Big Bend BR;
- \* Denali BR;
- \* Everglades BR;
- \* Glacier Bay—Admiralty Island BR;
- \* Glacier BR;
- \* Noatak BR; and
- \* Yellowstone BR. *Staff Contact: Terry Klein, x5-6631*

**Mr. Vento** may offer an amendment (#27) to add an additional exemption to a current provision of the bill. The bill currently prohibits any federal official from nominating or designating any federal land for a special or restricted use under any international agreement unless specifically authorized by law with two exemptions. The bill exempts the North American Wetlands Conservation Act and the Fish and Wildlife Improvement Act from that provision of the bill. The amendment adds an additional exemption; all sites nominated under the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (popularly known as the Ramsar Convention). *Staff Contact: Terry Klein, x5-6631*

**Mr. Vento** may offer an amendment (#51) to expand the definition of “special use” under the bill which currently prohibits any federal official from nominating or designating any federal land for a special or restricted use under any international agreement unless specifically authorized by law. The amendment prohibits any federal official from nominating or designating any federal land for a special, *including commercial*, or restricted use under any international agreement unless specifically authorized by law. **Staff Contact: Terry Klein, x5-6631**

**Additional Information:** See *Legislative Digest*, Vol. XXVI, #26, September 19, 1997.



## Votes on Bills Considered Under Suspension of the Rules

**Floor Situation:** The House may vote on the following seven bills sometime today, which were considered under suspension of the rules last week but for which votes were postponed. Each requires a two-thirds majority vote for passage.

**H.R. 2165** extends the Federal Power Act deadline, for up to six years, to begin construction of a 27-megawatt hydroelectric project located in Iowa. The original deadline has not been met because a power purchase agreement has not been negotiated. CBO estimates that enactment will result in no significant cost to the federal government. The bill was introduced by Mr. Leach and was reported by the Commerce Committee by voice vote.

**H.R. 2207—Coastal Pollution Reduction Act** amends the 1972 Clean Water Act to allow the waste water treatment plant in Mayaguez, Puerto Rico, to apply to the Environmental Protection Agency (EPA) for a waiver from the requirement for secondary treatment of waste water discharges. The bill also authorizes \$20 million in FY 1998 for grants to states under the EPA’s national estuary program. CBO estimates that enactment will result in additional discretionary spending of \$20 million over the FY 1998-1999 period. The bill was introduced by Mr. Romero-Barcelo and was reported by the Transportation Committee by voice vote.

**H.R. 548** names the federal courthouse located at 500 Pearl Street in New York City, New York, after Ted Weiss. Congressman Weiss (1927-1992) began his career in public service as the Assistant District Attorney for New York City in 1953. He then ran for the New York City Council, where he served for fifteen years. In 1976, he was elected to the U.S. House of Representatives where he held leadership positions on the House Committees on Banking Finance and Urban Affairs, Foreign Affairs, and Government Operations. CBO estimates that enactment will have no significant impact on the federal budget. The bill was introduced by Mr. Nadler and was reported by the Transportation Committee by voice vote.

**H.R. 595** names the federal building and courthouse located at 475 Mulberry Street in Macon, Georgia, after William Augustus Bootle. Judge Bootle received his L.L.B. degree from Mercer University Law School in 1925. He was appointed Assistant United States Attorney for the Middle District of Georgia in 1928, and eventually served as United States Attorney for the Middle District of Georgia until 1933. In 1954, President Eisenhower appointed him to the U.S. District Court. During his tenure on the bench, Judge Bootle issued an order declaring that two African-American

students be admitted to the University of Georgia. This was the first court ruling in Georgia to integrate schools. CBO estimates that enactment will have no significant impact on the federal budget. The bill was introduced by Mr. Chambliss and was reported by the Transportation Committee by voice vote.

**S. 819** names the federal courthouse located at 200 South Washington Street in Alexandria, Virginia, after Martin V. B. Bostetter, Jr. Judge Bostetter's entire career has taken place in Alexandria, Virginia. He began practicing law in 1952, was appointed Special Assistant to the City Attorney in 1953, became an Associate Judge of the Municipal Court in 1957, and accepted an appointment to the United States Bankruptcy Court in 1959. Appointed Chief Judge in 1985, Bostetter continues to serve as a judge for the U.S. Bankruptcy Court for the Eastern District of Virginia where he ranks among the longest sitting bankruptcy judges in America. CBO estimates that enactment will have no significant impact on the federal budget. The bill was introduced by Senator Warner and passed the Senate by unanimous consent on June 12. Companion legislation (H.R. 1851) was introduced in the House by Mr. Moran and was reported by the Transportation Committee by voice vote.

**S. 833** names the federal courthouse located at Public Square and Superior Avenue in Cleveland, Ohio, after Howard M. Metzenbaum. Mr. Metzenbaum served the state of Ohio as a Senator for three terms, retiring in 1994. He focused on issues such as clean air protection, nuclear regulation, antitrust laws, and gun control, but his favorite crusade was against special breaks for business. As a Senator, Metzenbaum was both hailed and decried by his colleagues as being a legendary obstructionist. A master of parliamentary maneuvering within the arcane traditions of the Senate, he was famous for mounting filibusters near the end of congressional sessions to block what he considered "giveaways to special interests." He single-handedly stopped a multibillion dollar tax break for independent oil producers in 1981. The bill was introduced by Senator Lautenberg and passed the Senate by unanimous consent on July 25.

**H.R. 2036—Aviation Insurance Reauthorization Act** extends the authorization of the aviation insurance program and provides the Federal Aviation Administration (FAA) with borrowing authority to reimburse airlines for any losses that exceed amounts in the aviation insurance fund. Current law expires on September 30, 1997, and the bill reauthorizes the program through FY 2002. CBO estimates that enactment will have no significant impact on the federal budget over the next five years. The bill was introduced by Mr. Shuster and was reported by the Transportation Committee by voice vote.

**Additional Information:** See *Legislative Digest*, Vol. XXVI, #27, September 26, 1997.




---

Brian Fortune: *Editor*

S. Kevin Washington:  
*Senior Legislative Analyst*

Melissa Decker, Jimmy Papadimitriou,  
Becci Roberts, Kevin Smith:  
*Legislative Analysts*

House  
REPUBLICAN  
Conference

Legislative  
Digest